

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FREDERICK OMOYUMA SILVER,

Plaintiff,

vs.

CLARK COUNTY NEVADA, *et al.*,

Defendants.

Case No.: 2:20-cv-00682-GMN-VCF

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Cam Ferenbach, (ECF No. 5), which recommends that Plaintiff Frederick Silver’s (“Plaintiff’s”) case be dismissed and that Plaintiff be declared a vexatious litigant. Plaintiff filed an Objection, (ECF No. 6), two Motions to Show Authority, (ECF Nos. 8, 11), and a Motion to Correct, (ECF No. 10). Each of the pleadings argue that the R&R should be stricken as invalid because the Magistrate Judge did not have authority to enter an R&R. No Defendant filed a response.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation

1 where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114,
2 1122 (9th Cir. 2003).

3 Here, Plaintiff does not object to the substance of the R&R. Rather, he argues that the
4 Magistrate Judge did not have the power to enter an R&R. Plaintiff is mistaken because the
5 Local Rules for the District of Nevada expressly authorize consideration of motions by R&R.
6 The rule explains, “[w]hen a district judge refers to a magistrate judge a motion, petition, or
7 application that a magistrate judge may not finally determine under 28 U.S.C. § 636(b)(1)(B),
8 the magistrate judge must review it, conduct any necessary evidentiary or other hearings, and
9 file findings and recommendations for disposition by the district judge.” *See* LR IB 1-4. There
10 is no requirement that the district judge notify the parties when referring a motion to a
11 magistrate judge for an R&R. If a party disagrees with the reasoning of the R&R, the party
12 may object to the magistrate judge’s findings and recommendations within 14 days of service
13 thereof, and the objection triggers mandatory *de novo* review by the district judge of the
14 portions of the record to which objections are made. *See* LR IB 3-2. Here, given that the
15 Magistrate Judge properly exercised his authority, and Plaintiff has not objected to the merits of
16 the Magistrate Judge’s reasoning, the Court adopts the R&R in full.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that Plaintiff's Objection and Motions, (ECF Nos. 6, 8,
3 10, 11), are **DENIED**.

4 **IT IS FURTHER ORDERED** that the Report and Recommendation, (ECF No. 5), is
5 **ACCEPTED AND ADOPTED in full**.

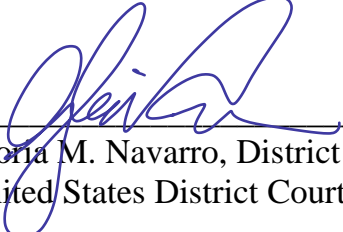
6 **IT IS FURTHER ORDERED** that the case is **DISMISSED without prejudice**.

7 **IT IS FURTHER ORDERED** that Plaintiff's Application to Proceed *in forma*
8 *pauperis*, (ECF No. 1), is **DENIED as moot**.

9 **IT IS FURTHER ORDERED** that Plaintiff shall be designated a vexatious litigant.
10 Future complaints Plaintiff files with the Court shall be subject to prescreening.

11 The Clerk of Court shall close the case and enter judgment accordingly.

12 **DATED** this 2 day of December, 2020.

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16 Gloria M. Navarro, District Judge
17 United States District Court
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